

# Notice of Allowability

Application No.

10/814,778

Examiner

Ardith E. Hertzog

Applicant(s)

GHOSH ET AL.

Art Unit

1754

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to all papers filed 10/26/2005.
2. ☒ The allowed claim(s) is/are 1-28, now numbered 1-7, 11, 12, 8, 14, 15, 17-19, 21-23, 25, 26, 28, 13, 9, 10, 16, 20, 24 and 27, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/26/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
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## EXAMINER'S AMENDMENT/COMMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Sandra S. Lee on November 11, 2005.

3. The application has been amended as follows:

In claim 1, step (iii), after "filtrate", --hereinafter referred to as SEL-- has been inserted.

In claim 1, step (iv), "filtrate" was deleted, and --SEL-- has been inserted thereof.

In claim 1, step (vi), after "of step (v)", --, hereinafter referred to as desulphated SEL,-- has been inserted.

In claim 1, step (xii), "stop (iii)" was deleted, and --step (iii)-- has been inserted thereof.

In claim 6, at line 2, "typically" was deleted.

In claim 7, at line 2, "typically" was deleted.

In claim 8, at line 2, "typically" was deleted.

In claim 9, at lines 2-3, ", preferably 1:1" was deleted.

In claim 10, at line 2, "was" was deleted, and --is-- has been inserted thereof.

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In claim 10, at lines 3-4, ", preferably, 0.7-0.9 parts of end bittern of 37 °Be' (sp. gr. 1,342), and more preferably, MgCl<sub>2</sub>-rich end bittern containing no sulphate" was deleted.

In claim 11, at line 2, "concentration" was deleted, and --evaporation-- has been inserted thereof.

In claim 12, at line 1, after "wherein", --the-- has been inserted.

In claim 12, at line 2, after "evaporation", --of desulphated SEL-- has been inserted.

In claim 12, at line 2, "attained" was deleted, and --attains-- has been inserted thereof.

In claim 12, at lines 2-3, "and more preferably, 122-124°C" was deleted.

In claim 15, at line 2, "active" was deleted, and --hydrated-- has been inserted thereof.

In claim 15, at lines 2-3, ", preferably, 0.90" was deleted.

In claim 17, at line 3, after "potash source", --, by contacting said bittern with said Mg(OH)<sub>2</sub>-- has been inserted.

In claim 18, at line 3, "preferably >95% KCl and <2% NaCl" was deleted.

In claim 20, at line 2, "pacts" was deleted, and --parts-- has been inserted thereof.

In claim 20, at line 3, "and more preferably 0.4 parts by weight of MCP and 1.5 parts by volume of water," was deleted.

The following **new** claims have been added:

Claim 22. (New) The process as claimed in claim 9, wherein said stoichiometric ratio is 1:1.

Claim 23. (New) The process as claimed in claim 10, wherein said desulphated SEL is mixed with 0.7-0.9 parts by volume of  $\text{MgCl}_2$ -rich end bittern of 37 °Be' (sp. gr. 1,342).

Claim 24. (New) The process as claimed in claim 10, wherein said desulphated SEL is mixed with  $\text{MgCl}_2$ -rich end bittern containing no sulphate.

Claim 25. (New) The process as claimed in claim 12 wherein said temperature is in the range of 122-124°C.

Claim 26. (New) The process as claimed in claim 15 wherein said molar ratio is 0.90.

Claim 27. (New) The process as claimed in claim 18 wherein said MOP has a purity in the range of >95% KCl and NaCl content of <2% NaCl.

Claim 28. (New) The process as claimed in claim 20 wherein said schoenite is mixed with 0.4 parts by weight of MCP and 1.5 parts by volume of water.

4. The above amendment merely corrects minor informalities and potential antecedent basis problems, while removing potentially indefinite phrases/terms, in those claims unexamined in the prior Office action (mailed 6/16/2005), due to improper multiple dependency. **Moreover**, with instant claims 5-21 now in proper dependent form, **all** claims have been examined, and, in keeping with paragraphs 11.-12. of the prior Office action, are now considered allowable over the prior art of record.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, with each of the newly cited references discussed in applicant's specification. These references are considered merely cumulative to or less material than those previously made of record; it is noted that CA 1 203 666 (application no. 423,211) is an equivalent of the previously cited US 4,533,536.
6. Any inquiry concerning this communication should be directed to Ardith E. Hertzog at 571-272-1347. The examiner can normally be reached on Monday through Friday (from about 7:30 a.m. - 3:30 p.m.).
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman, can be reached at 571-272-1358. The central fax number for all communications is now 571-273-8300.
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. For any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AEH

November 13, 2005